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SUMMARY RECORD OF THE 52nd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 23 April 1999 at 6 p.m.

Chairperson: Ms. ANDERSON (Ireland)

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The meeting was called to order at 6.05 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 9) (continued) (E/CN.4/1999/L.30-32, L.34/Rev.1, L.36/Rev.1 and 37)

Draft resolution on the situation of human rights in the Democratic Republic of the Congo (E/CN.4/1999/L.30)

1. Mr. HOYNCK (Germany), speaking on behalf of the European Union and other sponsors, said the draft resolution reflected the outcome of constructive negotiations with the delegation of the Democratic Republic of the Congo, and was also the fruit of open consultations, through the respective regional coordinators, with all States. It had been discussed with NGOs, many of which had expressed full support for it. The draft fairly reflected the progress achieved and expressed concern about the human rights situation, while recognizing the regional dimension of human rights issues.

2. It proposed the establishment of an international joint mission to investigate all massacres carried out in the country, including South Kivu, and other atrocities to which the Special Rapporteur's report referred, with a view to bringing those responsible to justice. The European Union supported the recent call by the Security Council for an international conference on peace, security and stability in the Great Lakes region, under the auspices of the United Nations and the Organization of African Unity (OAU). It stood ready to support United Nations efforts to assist in the implementation of a ceasefire and would be prepared to consider a rehabilitation programme for the country in the event of an effective cessation of hostilities and progress in the fields of peace, democracy and human rights. The draft stressed the need for all Congolese to be engaged in the process, with a view to achieving national reconciliation and the holding of free and fair elections. It also called for the removal of restrictions on political parties and NGOs.

3. The Commission should stand united behind the important messages of peace and justice. However, it had come to his delegation's attention that the delegation of Rwanda intended to introduce several amendments to the text. The sponsors had spared no effort to reach an accommodation with the Rwandan delegation, including on a proposed new paragraph which would have addressed most of its concerns. Unfortunately, their flexibility had not been reciprocated. The sponsors would therefore vote in favour of two of the Rwandan delegation's proposed amendments, but would vote against all the others in order to maintain balance and the consensus among the other members of the Commission.

4. Mr. NTASHAMAJE (Rwanda) said that the version of the draft resolution proposed by the European Union omitted blatant facts relating to the human rights situation in the Democratic Republic of the Congo. Since the outbreak of the current conflict in August 1998, there had been horrendous violations of human rights. The Special Rapporteur on the situation of human rights in the Congo had confirmed those violations by indicating very clearly in his

report that the country had openly promoted hatred against some of its citizens in a planned policy of ethnic cleansing. In many areas across the country, people belonging to ethnic and opposition groups had been arbitrarily arrested and held hostage. Security Council resolution 1234 (1999) condemned the continuing activities of, and support for all armed groups in the Congo. Having read the draft resolution proposed by the European Union, his delegation had been surprised that none of those facts had been included.

5. Having discussed those omissions with the European Union, his delegation had decided to submit its amendments. Violations of human rights and humanitarian law targeting members of a certain ethnic group were of particular concern to Rwanda, which had been a victim of genocide in 1994 and remained under constant threat from the forces which had carried out that genocide and were currently based and operating in the Congo.

6. At the morning meeting, his delegation had, for the sake of dialogue, withdrawn a draft resolution it had previously submitted on the situation in the Congo, but that dialogue had proved unavailing. In view of the very strong stand the Commission had taken on previous occasions, including the resolution on ethnic cleansing in Kosovo adopted the week before, his delegation believed that the Commission had an obligation to condemn the ethnic cleansing under way in the Congo. It should condemn the incitement of the population to exterminate a specific ethnic group and the continued detention of innocent civilians as hostages, and demand their immediate and unconditional release. It was to be hoped that, for the sake of the credibility of the resolution and to avoid double standards, the Commission would use its authority to support the proposed amendments to the draft resolution.

7. Mr. KANAMURA (Rwanda), introducing the proposed amendments, said that since the Special Rapporteur had clearly indicated that there was a policy of ethnic cleansing in the country, the Commission should reiterate its condemnation of that crime. Secondly, the Special Rapporteur had indicated that the Government was promoting ethnic hatred and intolerance, which had led to the killing of people on the basis of their ethnicity; the Commission should condemn that campaign of ethnic hatred and violence. Up to 1,800 people suspected of being rebel sympathizers were still incarcerated in many parts of the country. The Commission should call for their immediate and unconditional release.

8. The Security Council had recently condemned the activities of armed groups operating in the Congo which were creating instability in the region. The Commission should support the Security Council's position. Finally, the Commission should bear in mind that many lives were at stake, especially those of prisoners held in different parts of the country supposedly for their own safety. If they should die, their blood would not be on Rwanda's conscience. The Commission should support the proposed amendments.

9. Mr. NDJALANDJOKO (Democratic Republic of the Congo) said that the delegation of Rwanda had engaged in a tortuous undertaking, first submitting draft resolution L.20, later withdrawing it, and essentially proposing its contents as amendments which were inconsistent with the report of the Special Rapporteur on the situation of human rights in the Congo and with the draft resolution of the European Union. The selectiveness and subjectiveness of the proposed amendments and the Rwandan delegation's lack of flexibility denoted an accusatory approach

and showed the dangerous delaying tactics to which the delegation had resorted in trying to use the Commission for political ends, preferring confrontation to dialogue and deceit to genuine negotiation.

10. While it condemned such practices, his delegation saluted the helpful and noble attitude which had prevailed in the African Group and in the frank and transparent talks which had been held with the European Union in order to draw up draft resolution E/CN.4/1999/L.30, currently under consideration. That resolution reflected the constructive tone of the latest report submitted by the Special Rapporteur on the situation of human rights in the Congo, recognized the progress made in the sphere of human rights and the persistence of certain problems, and encouraged the Congo to improve the human rights situation. It also condemned the serious violations of human rights and humanitarian law perpetrated against civilians in areas of the country which had been occupied. His country reaffirmed its readiness to cooperate fully in the implementation of resolution L.30, particularly as far as the joint mission was concerned.

11. The CHAIRPERSON, following a procedural discussion, said that, under rule 52 of the rules of procedure, the Commission should leave the discussion on the substantive amendments to resolution L.30 in abeyance for at least 24 hours so as to permit delegations to acquaint themselves with their contents.

Draft resolution on cooperation with representatives of United Nations human rights bodies (E/CN.4/1999/L.31)

12. Mr. LAKATOS (Hungary), introducing the draft resolution on behalf of its sponsors, said that the text was based on earlier resolutions previously adopted by the Commission. After reading out excerpts from the draft, he expressed the hope that it would be adopted without a vote.

13. Mr. AGUILAR URBINA (Secretary of the Commission) announced that the representative of the Republic of Korea and the observers for Costa Rica, Finland and The former Yugoslav Republic of Macedonia had joined the sponsors of the draft resolution.

14. Mr. LIU Xinsheng (China) said that his delegation had, in discussions with the sponsors, previously expressed the view that the draft resolution, which was the only one among the 16 submitted under agenda item 9 which did not address the situation of human rights in a particular country, should instead be considered under item 18, entitled "Effective functioning of human rights mechanisms", or under another related item. All delegations had made great efforts during the current session to ensure that the consideration of subjects was coherent and compatible with the newly reorganized agenda; certain draft resolutions originally placed under item 9 had consequently been reassigned to others.

15. His delegation had no objection to the content of the text and would not stand in the way of its adoption. It would, however, like to urge all sponsors of the draft resolution to give serious consideration to the concern and suggestions which it had expressed, and to change the abnormal arrangement under which the subject covered by the draft resolution was still dealt with under item 9. His delegation would follow the question closely at the Commission's fifty-sixth session.

16. Mr. REYES RODRIGUEZ (Cuba) agreed with the Chinese delegation, and proposed an amendment to operative paragraph 7 so that it specified that at the fifty-sixth session the subject would be considered under the item "Effective functioning of human rights mechanisms".

17. Mr. LAKATOS (Hungary), speaking on behalf of the sponsors, said the resolution on cooperation with representatives of United Nations human rights bodies had always been submitted under the same agenda item, and the sponsors had tried to cooperate and enter into a dialogue with one of the delegations which had raised the issue, but their efforts had been to no avail. The sponsors had given serious consideration to the proposal made by the Cuban delegation, but remained of the opinion that the resolution had its place under item 9. He respectfully urged the members of the Commission to adopt the resolution without a vote.

18. Mr. REYES RODRIGUEZ (Cuba) said that his delegation would accordingly withdraw its proposed amendment in response to the sponsors' position. It would, however, request that it should be placed on the record that the Cuban delegation had called for the subject to be covered under the item on effective functioning of human rights mechanisms at the next session of the Commission.

19. Draft resolution E/CN.4/1999/L.31 was adopted.

Draft resolution on the situation of human rights in Myanmar (E/CN.4/1999/L.32)

20. Mr. HOYNCK (Germany), introducing the draft resolution on behalf of the European Union, said that Australia, Costa Rica, the Czech Republic, Estonia, Latvia, Lithuania, Malta, Norway, Poland, the Republic of Korea, Slovenia and the United States of America had joined the sponsors. The European Union wished to make three amendments, namely: the rewording of operative paragraph 1 (d) to read "The efforts currently being undertaken by the Special Envoy of the Secretary-General for a visit to Myanmar,", the insertion of the words "and assistance" after the word "protection" in paragraph 2, and the insertion of a new subparagraph (k) in paragraph 7, which would read "To cease the laying of landmines, in particular as a means of ensuring forced relocation, and to desist from the forced conscription of civilians to serve as human minesweepers, as indicated in the report of the ILO Commission of Inquiry". The subsequent subparagraphs should be renumbered accordingly.

21. The Special Rapporteur on the situation of human rights in Myanmar and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment had indicated that the human rights climate in Myanmar had worsened, with continuing reports of forced labour, and relocation, arbitrary detention, summary and arbitrary execution, torture, and violations of the rights of women, children and ethnic minorities. The democracy movement continued to be repressed.

22. The draft resolution took note of and supported the efforts currently under way to permit another visit by the Special Envoy of the Secretary-General in the near future. It was unfortunate, however, that the Government of Myanmar had not agreed to a visit by the Commission's Special Rapporteur. The text therefore urged the authorities to establish a meaningful human rights dialogue with the United Nations system and to cooperate fully with the Special Rapporteur.

23. U AYE (Observer for Myanmar) said that despite the strenuous efforts of many well-meaning delegations, a small minority of States with extreme and vindictive views had once again forced through a draft resolution containing unproven and false allegations about the situation in Myanmar. The text completely ignored the actual state of affairs in the country and attempted to politicize what should be a purely human rights issue. The opportunity to encourage the development of human rights in Myanmar had therefore been squandered.

24. A close reading of the draft resolution showed that, far from having anything to do with human rights, it was in fact a patchwork of imagined political grievances and unsubstantiated allegations culled from outdated and irrelevant sources, all of which his Government had repeatedly refuted. For example, it drew unwarranted attention to one political party and one individual at the expense of all other legally existing political parties. Perhaps the intention was to encourage members of that party to break the law and thereby wreck the peace and stability prevailing in the country. If that was indeed the case, his Government wished to make it clear that no one could be permitted to break the law with impunity. In addition, the draft resolution criticized the Government's numerous accomplishments in raising the standard of living of the inhabitants of remote border areas. The various ethnic groups living in those areas had begun to enjoy the benefits of a modern infrastructure. Many foreign observers had visited the areas concerned and commented favourably on what they had seen. In the face of all the evidence, the draft resolution had ignored such community development activities, dismissing them as so-called "forced labour".

25. The ceasefire agreements which had been painstakingly negotiated with a variety of former insurgent groups had been falsely linked to the persecution of ethnic minorities. Such inferences were contemptible. The draft resolution had even faulted Myanmar's recent accession to core human rights instruments such as the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women by stating that national legislation and practice were not in conformity with those instruments. In fact, the authorities had made all the necessary amendments to national laws and practice before acceding to the conventions. For all the foregoing reasons, his delegation utterly rejected the contents of the draft resolution.

26. Mr. COMBA (Office of the High Commissioner for Human Rights), outlining the financial implications of the draft resolution, said that the Commission would decide to extend for a period of one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar. Financial provision of approximately $93,000 to cover activities under that mandate had been included in section 22 of the programme budget for the biennium 1998-1999. Other requirements arising from the extension of the Special Rapporteur's mandate were expected to be covered under the programme budget for the biennium 2000-2001.

27. Draft resolution E/CN.4/1999/L.32, as amended, was adopted.

Draft resolution on the situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia, and Bosnia and Herzegovina (E/CN.4/1999/L.34/Rev.1)

28. Mr. KOH (United States of America), introducing the draft resolution, said that the actions of the President of the Federal Republic of Yugoslavia had spawned lawlessness, human rights abuses and widespread material destruction. New strategies of terror and displacement, such as the use of human shields and "identity cleansing", had been used. Adult males had reportedly been separated from their families and slaughtered. The Yugoslav President had exploited forced expulsions as a political and military weapon to undermine the economy and infrastructure of neighbouring countries. The atrocities currently taking place in Kosovo had been meticulously planned, and the scale of the crisis demanded a commensurate response from the international community. While the ultimate goal was repatriation for all refugees, the international community should in the meantime make every effort to ensure that conditions in refugee camps were humane and that refugees were treated fairly. Yet the refugee crisis in Kosovo was only a symptom of the broader attack on human rights throughout the Federal Republic of Yugoslavia. Montenegro was also threatened by ethnic cleansing and the Yugoslav Government had declared a "quiet war" against all domestic dissident elements.

29. The draft resolution addressed various human rights problems throughout the former Yugoslavia. It called on the authorities in Belgrade to bring about a verifiable end to all military action in Kosovo and immediately halt the violence against the local civilian population. It urged the Croatian Government to make greater efforts to adhere to democratic principles, in particular with respect to ethnic minorities such as displaced Serbs, and to press ahead with meaningful judicial reforms. Some progress had been made in the implementation of the Peace Agreement in Bosnia and Herzegovina, but the draft resolution expressed serious concerns about continuing human rights violations in that country and condemned the intimidation of minority refugees and internally displaced persons who had attempted to return to their homes. The authorities should conduct investigations with a view to bringing human rights violators to justice. The draft resolution also called for the mandate of the Special Rapporteur to be extended for another year.

30. Mr. AGUILAR URBINA (Secretary of the Commission) announced that Morocco had withdrawn from the list of sponsors, while Albania, Australia, Austria, Belgium, Cyprus, the Czech Republic, Denmark, France, Finland, Greece, Italy, Japan, Malta, New Zealand, Norway, Poland, Sweden, Switzerland and The former Yugoslav Republic of Macedonia had become sponsors.

31. Ms. CEK (Observer for Croatia) said that Croatia had been forced to endure Serbian aggression and had hosted hundreds of thousands of refugees and displaced persons. More than a third of its territory needed to be rebuilt. Croatia was the only country in the region where organized return of refugees had become a reality. That achievement was the fruit of a long and careful process of preparation involving the sensitization of a population that had suffered grievously during the war.

32. It was unfortunate that her Government's efforts in the area of confidence-building and return of refugees had not received adequate recognition in the draft resolution. In recent years,

however, the international community had shifted its attention from war-related problems towards issues associated with the strengthening of civil society. The draft resolution thus dealt with gender and labour issues that usually came under thematic mandates. In that respect, Croatia differed from the two other countries within the Special Rapporteur's mandate, where the implementation of fundamental humanitarian standards was still a major issue. Croatia ought therefore to be considered separately.

33. The recent project for technical cooperation which had been signed between Croatia and the Office of the High Commissioner for Human Rights would facilitate the development of the country's democratic institutions and strengthen human rights standards. By implementing the project, Croatia would make further progress towards the empowerment of a fully democratic society. Her Government trusted that the Commission would acknowledge those efforts and change its practice of treating the three countries in the Special Rapporteur's mandate equally.

34. Mr. AKRAM (Pakistan) said that section III of the draft resolution referred in some detail to the situation in Kosovo. His delegation was disappointed that a number of the amendments to the draft resolution proposed by the Organization of the Islamic Conference had been rejected, in particular an alternative version of paragraph 17 which would have read: "Urges the Kosovo Liberation Army to observe the principles of international humanitarian law and expresses concern about reports of any abuses by its elements". Nor was his delegation comfortable with the parallel drawn in paragraph 19 between the ethnic Albanian leadership in Kosovo and the authorities of the Federal Republic of Yugoslavia. Aside from those general concerns, his delegation wished to propose that, in operative paragraph 9 (f), the phrase "the Muslim minority and" should be inserted before "the Bulgarian national minority" in the same subparagraph.

35. Mr. COMBA (Office of the High Commissioner for Human Rights), outlining the financial implications of the draft resolution, said that the Commission would decide to extend for a period of one year the mandate of the Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia. Financial provision of approximately $106,000 to cover activities under that mandate had been included in section 22 of the programme budget for the biennium 1998-1999. Other requirements arising from the extension of the Special Rapporteur's mandate were expected to be covered under the programme budget for the biennium 2000-2001.

36. Mr. SINGH (India) said that, although his delegation had joined in the general condemnation of all human rights violations in Kosovo and the Federal Republic of Yugoslavia, the draft resolution currently before the Commission was unbalanced. Section III was egregiously one-sided in its presentation of the facts. The very title of the section failed to indicate that Kosovo was an integral part of the Federal Republic of Yugoslavia; the appropriate place for paragraphs 13 to 25 would have been in section II. Section III also ignored the fact that only a complete cessation of hostilities and a resumption of efforts to end the crisis peacefully would lead to a satisfactory resolution of the problem. Instead it sought to manipulate human rights concerns in support of the political objectives of the NATO military alliance, while failing to recognize that a continuation of hostilities would merely exacerbate the human rights crisis in the Federal Republic of Yugoslavia.

37. His delegation accordingly requested that a vote should be taken by roll-call on whether to retain section III of the draft resolution; his delegation would vote against its retention.

38. Mr. PARSHIKOV (Russian Federation) reiterated his Government's strong condemnation of the NATO aggression against the Federal Republic of Yugoslavia. The aggressors had no right to lecture the people of Yugoslavia or their democratically-elected leadership about standards of "civilized behaviour" and respect for human rights. His delegation therefore endorsed the Indian delegation's proposal to put section III to a separate vote, and would vote for its deletion. His delegation further requested that a vote should be taken on the draft resolution as a whole, noting that if all references to the Federal Republic of Yugoslavia and Kosovo were deleted, the remainder of the text would be acceptable.

39. Mr. REYES RODRIGUEZ (Cuba), speaking in explanation of vote before the vote on section III of the draft resolution, said that the section in question was completely unbalanced and biased, which precluded his delegation from supporting it. The hypocrisy and cynicism of the United States of America was abundantly clear in the present version of the text.

40. Mr. VOTO-BERNALES (Peru) said that his delegation would vote in favour of the draft resolution as a whole, on the understanding that no section of the text could be construed as being prejudicial to the principle of the territorial integrity of States.

41. Mr. KOH (United States of America) said that he could not agree to the proposal by the representative of India regarding section III of the draft resolution. Section III was the heart of the text and was the key to maintaining the mandate of the Special Rapporteur to cover the whole of the former Yugoslavia. To remove Kosovo from his mandate would be to disregard the most important dimension of the crisis.

42. Mr. PLORUTTI (Argentina) said that the section of the draft resolution devoted to Kosovo erroneously implied that the province had the same status as the other independent territorial entities referred to in the text. His delegation would abstain in the vote on section III because it raised issues which should rightly be considered by the Security Council.

43. Ms. GERVAIS-VIDRICAIRE (Canada) said that her delegation believed that section III was an appropriate response in view of the seriousness of the human rights abuses perpetrated by the Serbian authorities in Kosovo, and would therefore vote in favour of retaining it.

44. Mr. HOYNCK (Germany), speaking on behalf of the European Union, said that his delegation regretted the proposal to put section III to a separate vote because it would complicate matters for the Special Rapporteur and might even jeopardize his mandate as far as Kosovo was concerned. Furthermore, certain delegations had read into the layout of the draft resolution conclusions which the sponsors had never intended to be drawn. The European Union would vote in favour of retaining section III and in favour of the draft resolution as a whole.

45. Mr. PETIT (France) endorsed the remarks by the representative of Germany on behalf of the European Union and said that his delegation would vote in favour of retaining section III. The current version of the text had the advantage of recalling the five steps which the authorities

of the Federal Republic of Yugoslavia needed to take in order to halt NATO military action, and also condemned with the necessary firmness the serious human rights violations that had occurred in Kosovo.

46. Mr. ILLANES (Chile) said that he would have preferred a more balanced text incorporating the views and suggestions of other interested parties such as the Movement of Non-Aligned Countries and the Rio Group. His delegation would therefore abstain in the vote on section III while voting in favour of the draft resolution as a whole.

47. Mr. RODRIGUEZ CEDEÑO (Venezuela) said that his delegation intended to abstain in the vote on section III because the proposed text was unbalanced. However, it would vote in favour of the draft resolution as a whole on the understanding that no section of the text could be construed as being prejudicial to the principle of the territorial integrity of States.

48. Mr. SGARBI (Uruguay) said that his delegation would vote in favour of the draft resolution as a whole and the retention of section III. At the same time, however, the fact that Kosovo had been given equal status to the other territorial entities referred to in the text was a formal defect which could be interpreted as being prejudicial to the principle of the territorial integrity of States.

49. Mr. REYES RODRIGUEZ (Colombia) said that his delegation would vote in favour of the draft resolution as a whole on the understanding that no section of the text could be construed as being prejudicial to the principle of the territorial integrity of States. His delegation intended to abstain in the vote on section III.

50. Mr. AKRAM (Pakistan) said that section III was the most important section in the draft resolution; its omission would therefore defeat the purpose of the text as a whole. Accordingly, his delegation would vote to retain section III and, subject to the amendment which Pakistan had proposed earlier, would also vote in favour of the whole draft.

51. At the request of the representative of India, a vote was taken by roll-call on whether to retain section III of the draft resolution.

52. Poland, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Austria, Bangladesh, Botswana, Canada, Czech Republic, Democratic Republic of the Congo, El Salvador, France, Germany, Ireland, Italy, Japan, Latvia, Liberia, Luxembourg, Madagascar, Morocco, Niger, Norway, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Romania, Rwanda, Senegal, Sudan, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: China, Cuba, India, Russian Federation.

Abstaining: Argentina, Bhutan, Cape Verde, Chile, Colombia, Congo, Ecuador, Guatemala, Indonesia, Mauritius, Mexico, Mozambique, Nepal, South Africa, Sri Lanka, Venezuela.

53. Section III of the draft resolution was retained by 33 votes to 4, with 16 abstentions.

54. Mr. KOH (United States of America) said that the sponsors had received no objections to the Pakistan proposal to include the phrase "the Muslim minority and" in paragraph 9 (f).

55. Mr. LIU Xinsheng (China), speaking in explanation of vote before the vote on draft resolution E/CN.4/1999/L.34/Rev.1 as a whole, said that Kosovo was part of the Federal Republic of Yugoslavia and its affairs were an internal matter for that State alone. The Kosovo issue should be resolved through a political dialogue which took account of the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and guaranteed the rights and interests of all ethnic groups of the Kosovo region. NATO should halt its military operations immediately because fundamental rights and freedoms could be secured only on the basis of the restoration of peace and security. His delegation intended to abstain in the vote on the draft resolution as a whole.

56. Mr. BAICHOO (Mauritius) said that his delegation would vote in favour of the draft resolution as a whole, consistent with the position it had taken previously on the situation of human rights in Kosovo.

57. At the request of the representative of the Russian Federation, a vote was taken by roll-call on draft resolution E/CN.4/1999/L.34/Rev.1.

58. Italy, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Argentina, Austria, Bangladesh, Bhutan, Botswana, Canada, Cape Verde, Chile, Colombia, Czech Republic, Democratic Republic of the Congo, Ecuador, El Salvador, France, Germany, Guatemala, Indonesia, Ireland, Italy, Japan, Latvia, Liberia, Luxembourg, Madagascar, Mauritius, Morocco, Mozambique, Niger, Norway, Pakistan, Peru, Philippines, Poland, Qatar, Republic of Korea, Romania, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Russian Federation.

Abstaining: China, Congo, Cuba, India, Mexico, Nepal.

59. Draft resolution E/CN.4/1999/L.34/Rev.1, as amended, was adopted by 46 votes to 1, with 6 abstentions.

Draft resolution on the situation of human rights in Equatorial Guinea and assistance in the field of human rights (E/CN.4/1999/L.36/Rev.1)

60. Mr. MORJANE (Tunisia), introducing the draft resolution on behalf of the Group of African States, said that the text welcomed the political will of the Government of

Equatorial Guinea to make progress with regard to human rights and fundamental freedoms. Under the terms of the draft resolution, the Commission would appoint a special representative to monitor human rights developments in Equatorial Guinea.

61. Mr. MAYE NSUE MANGUE (Observer for Equatorial Guinea) said that, despite his country's difficult history, his Government had built up a solid record of cooperation with the international community in the field of human rights. His delegation wished to point out that the flaws and irregularities in the recent elections referred to in operative paragraph 3 of the draft resolution were extraneous to the political process and had not violated the country's recently-amended electoral law.

62. Mr. COMBA (Office of the High Commissioner for Human Rights), outlining the financial implications of the draft resolution, said that the Commission would decide to appoint a special representative on the situation of human rights in Equatorial Guinea to replace the existing Special Rapporteur. Financial provision of approximately $105,000 to cover the activities of the Special Rapporteur in 1998-1999 had been earmarked under the biennial budget. The unused balance would be made available to the newly-appointed special representative. The resource requirements covering the period 1 January 2000 to the expiration of the mandate were expected to be covered under the programme budget for the biennium 2000-2001.

63. Draft resolution E/CN.4/1999/L.36/Rev.1 was adopted.

Draft resolution on the situation of human rights in Rwanda (E/CN.4/1999/L.37)

64. Mr. MORJANE (Tunisia), introducing the draft resolution on behalf of the Group of African States, and also Canada, Costa Rica, Japan and New Zealand, said that he hoped that the Commission could adopt the text by consensus.

65. Mr. AGUILAR URBINA (Secretary of the Commission) announced that Australia, the Czech Republic and the United States of America had joined the sponsors.

66. Mr. NDJALANDJOKO (Democratic Republic of the Congo) said that, while not wishing to upset the consensus that had formed around the draft resolution, his delegation nevertheless had reservations about certain elements of the text. His Government's concerns were all the more acute given that Rwanda's ethnic troubles lay at the root of the regional crisis in central Africa.

67. Paragraph 15 of the draft resolution had not made explicit the fact that the Rwandan Government was using force to regroup scattered rural populations into ethnically-based settlements. Furthermore, the text made no reference to the fact that the Rwandan authorities had abruptly curtailed the activities of United Nations human rights bodies in Rwanda.

68. While not wishing to conflate the respective spheres of competence of the Commission on Human Rights and the Security Council, his delegation was bound to point out that the latter organ, in its resolution 1234 (1999) adopted on 9 April 1999, had stated that uninvited Rwandan troops were present in the territory of the Congo in direct violation of the Charter. Indeed, their presence was openly acknowledged by the Rwandan Government. At the very least, the

Commission's draft resolution should have expressed concern that Rwandan troops were present in the territory of a neighbouring State, and moreover in areas where civilian massacres had recently occurred.

69. His Government was also concerned that the Commission had not made more of the statement in paragraph 58 of the report of the Special Rapporteur on the situation of human rights in the Congo (E/CN.4/1999/31), to the effect that persons suspected of being close to President Kabila had been arbitrarily deprived of liberty and even deported to Rwanda.

70. Mr. HOYNCK (Germany), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, said that the European Union welcomed the fact that the text addressed the undeniably regional nature of the issues involved, and also endorsed the Security Council's recent call for an international conference on peace, security and stability in the Great Lakes region under the auspices of the United Nations and OAU. However, the draft resolution might have placed even more emphasis on the regional dimension and focused on the continuing cross-border violations of human rights and humanitarian law in neighbouring areas of the Congo.

71. Mr. COMBA (Office of the High Commissioner for Human Rights), outlining the financial implications of the draft resolution, said that the Commission would decide to extend for a period of one year the mandate of the Special Representative on the situation of human rights in Rwanda. Financial provision to cover activities under that mandate had been included in section 22 of the programme budget for the biennium 1998-1999. Other requirements arising from the extension of the mandate were expected to be covered under the programme budget for the biennium 2000-2001.

72. Draft resolution E/CN.4/1999/L.37 was adopted.

Statement by the Chairperson on East Timor

73. The CHAIRPERSON read out the following statement on East Timor, which had been agreed upon by all delegations:

> "The Commission on Human Rights, having discussed the human rights situation in East Timor under item 9 of its agenda, expresses its deep concern at the serious human rights situation and at the outbreaks of violence in East Timor, particularly the recently reported killings of civilians in Liquica and Dili.
>
> "The Commission takes into account that the talks under the auspices of the United Nations Secretary-General aimed at achieving a just, comprehensive and internationally acceptable solution to the question of East Timor taking place in New York are now at a crucial stage.
>
> "The Commission requests the Secretary-General to present a report on the human rights situation in East Timor at its fifty-sixth session."

Draft decision on the question of human rights in Cyprus

74. The CHAIRPERSON read out the following draft decision on the question of human rights in Cyprus:

> "At its 52nd meeting on 23 April 1999, the Commission on Human Rights decided, without a vote, to retain on its agenda sub-item (a), entitled 'Question of human rights in Cyprus', of the current item 9 and to give it due priority at its fifty-sixth session, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation."

75. The draft decision was adopted.

76. Mr. KOH (United States of America), explaining his delegation's position on the draft resolution on the situation of human rights in the Sudan (E/CN.4/1999/L.29) adopted at the previous meeting, said that, while he appreciated the motives of the sponsors in seeking a consensus on the issue, the resulting text was nevertheless deeply flawed. It ought to have avoided euphemisms for slavery such as "enforced or involuntary disappearance" and "the abduction of women and children to be subjected to forced labour or similar conditions". As explicitly stated in the report of the Special Rapporteur, the allies of the Sudanese Government were using slavery as a weapon of war. In addition, the draft resolution had not gone far enough in condemning the systematic religious persecution practised by the Sudanese authorities.

77. His delegation was also uncomfortable with the fact that the draft resolution welcomed what the Sudanese Government described as the "Peace Agreement of 1997". That agreement had been deliberately designed to undermine the Inter-Governmental Authority on Development (IGAD) peace initiative which had been boycotted by the Sudanese authorities. The "Peace Agreement of 1997" was merely a pact between the Government and its allies in the civil war; no serious effort had been made to include the Government's opponents. Finally, although the draft resolution expressed concern at executions carried out by all sides in the conflict, the evidence clearly showed that the Sudanese Government was the principal culprit.

78. There was a risk that parts of the draft resolution might be exploited for propaganda purposes by human rights violators. The Sudanese process of democratization had not ushered in democracy, justice or the rule of law in the country, and it was therefore misleading to welcome "reports of recent improvements regarding the freedom of expression and association" when in the past month the Government had arrested a number of journalists and the country's leading human rights lawyer.

79. Despite those misgivings, his delegation had joined the consensus since it was anxious to extend the Special Rapporteur's mandate. It was especially important that the Special Rapporteur should submit an interim report on the situation of human rights in the Sudan to the General Assembly at its fifty-fourth session.

80. Mr. YAMAZAKI (Japan), explaining his delegation's position on the draft resolution on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1999/L.27), said that,

overall, the text was well balanced. However, the international community should endorse a more supportive approach towards States which had shown a genuine commitment to improving their human rights record.

81. Regarding the draft resolution on the situation of human rights in Myanmar (E/CN.4/1999/L.32), his delegation had a number of reservations about the text which had been adopted, but had nevertheless joined the consensus. The Government of Myanmar should be further encouraged to improve its human rights record, and it was to be hoped that the authorities would take such steps of their own accord. Japan believed that it was in the interests of the Government of Myanmar to allow the Special Rapporteur to visit the country so that the international community could get a clearer and more balanced account of the real situation. Likewise, the Government should engage in earnest and sincere negotiations with the parties concerned to end the political stalemate and its serious effects on the human rights situation.

82. Mr. MORJANE (Tunisia), explaining his delegation's position on the draft resolution on the situation of human rights in Iraq (E/CN.4/1999/L.28), said that he wished to draw particular attention to paragraph 3 (i) of the text, which called on the Iraqi Government to release immediately all Kuwaitis and nationals of other States still being held in detention. The international community should also respect Iraq's territorial integrity and make greater efforts to alleviate the suffering of the Iraqi people.

83. Ms. JANJUA (Pakistan), explaining her delegation's position on the draft resolution on the situation of human rights in Iraq (E/CN.4/1999/L.28), said that continuing tension in the Gulf region had led to a severe humanitarian crisis in Iraq, yet that important element was missing from the text adopted by the Commission. At the same time, she urged the Iraqi Government to cooperate with the Tripartite Commission to establish the whereabouts, and resolve the fate, of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third-country nationals, as specified in paragraph 3 (h) of the draft resolution.

84. Mr. SIMKHADA (Nepal), explaining his position on the draft resolution on the situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia, and Bosnia and Herzegovina (E/CN.4/1999/L.34/Rev.1), said that, owing to the inclusion of section III, his delegation had abstained in the vote despite its traditional support for resolutions on the same question in the past.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (continued)
(E/CN.4/1999/L.12 and L.17)

Draft resolution on human rights and unilateral coercive measures (E/CN.4/1999/L.12)

85. Mr. MONTWEDI (South Africa), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries and China, said that the text sought to reaffirm the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States. It drew particular attention to article 32 thereof, which declared that no State should use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights.

86. Mr. KOH (United States of America) requested that the draft resolution should be put to the vote.

87. Mr. REYES RODRIGUEZ (Cuba), speaking in explanation of vote before the vote, said that his delegation was disappointed that it would not be possible to adopt the text by consensus. Cuba would vote in favour of the draft resolution.

88. Mr. MOOSE (United States of America) said that his delegation was unable to support the draft resolution because it believed that each nation had the right to choose the States with which it wished to trade.

89. At the request of the representative of the United States of America, a vote was taken by roll-call.

90. Italy, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour	Argentina, Bangladesh, Bhutan, Botswana, Cape Verde, Chile, China, Colombia, Congo, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, Guatemala, India, Indonesia, Liberia, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Pakistan, Peru, Philippines, Qatar, Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uruguay, Venezuela
Against	Austria, Canada, Germany, Japan, Latvia, Norway, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America
Abstaining	Czech Republic, France, Ireland, Italy, Luxembourg, Republic of Korea

91. Draft resolution E/CN.4/1999/L.12 was adopted by 37 votes to 10, with 6 abstentions.

Draft resolution on the effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development (E/CN.4/1999/L.17)

92. Mr. FERRER RODRIGUEZ (Cuba), introducing the draft resolution, said that Bangladesh, Côte d'Ivoire, Egypt, Ethiopia, Myanmar, the Sudan, Uganda and Zambia had joined the sponsors. The text should be viewed within the framework of a political dialogue between the developed and the developing world with the purpose of furthering the common good.

93. Two amendments should be noted: first, the insertion of a new preambular paragraph which would read: "Takes note of the inter-institutional meeting of the High Commissioner for Human Rights with the Secretary-General of the United Nations Conference on Trade and Development (UNCTAD), the heads of the International Labour Organization (ILO), the World Health Organization (WHO), the World Trade Organization (WTO), the representatives of the

International Monetary Fund (IMF) and the World Bank, other specialized United Nations agencies and the Commission's Special Rapporteurs or experts dealing with foreign debt-related issues."

94. The second amendment involved rewording operative paragraph 13 to read: "Recognizes that there is a need for more transparency, participation of all States and consideration of the relevant resolutions of the Commission on Human Rights in the deliberations and activities of international and regional financial institutions."

95. Mr. AGUILAR URBINA (Secretary of the Commission) announced that Tunisia and Indonesia had joined the sponsors.

96. Ms. GLOVER (United Kingdom) requested that the draft resolution should be put to the vote.

97. Mr. SIGOUIN (Canada), speaking in explanation of vote before the vote, said his country recognized that the question of foreign debt had implications for the economic and social development of developing countries, and hence for the enjoyment of human rights. Over the past 20 years, his Government had waived development assistance debts in the amount of $1.3 billion, and had recently proposed that further debt forgiveness for developing countries should be linked to their efforts to increase spending on human development rather than indulging in harmful or excessive military expenditure. His delegation would vote against the draft resolution because it did not approach the question of foreign debt in a manner consistent with the Commission's focus on human rights, and also because certain provisions of the draft resolution, such as operative paragraph 3, misrepresented the nature of foreign debt.

98. Mr. YAMAZAKI (Japan) said that his Government was deeply concerned at the situation of human rights in countries with heavy foreign debt burdens. As the world's largest donor, Japan had made available various kinds of assistance to heavily indebted countries and would continue to do so. It was therefore unfortunate that the draft resolution had failed to reflect the agreed language on debt relief contained in paragraph 12 of the Vienna Declaration and Programme of Action. It had also introduced inappropriate elements and diverted attention from the real nature of the problem. Moreover, the Commission on Human Rights was not the proper forum for a discussion of the issue, and Japan would therefore vote against the draft resolution.

99. Mr. MOOSE (United States of America) said that his Government supported debt forgiveness and restructuring within the context of the Paris Club and the initiative for heavily-indebted poor countries. Indebted States which demonstrated their commitment to economic reform deserved assistance and encouragement. However, his delegation would vote against the draft resolution because it sought to impose external conditions on terms negotiated by sovereign nations and agreed on by borrowers and lenders alike.

100. At the request of the representative of the United Kingdom, a vote was taken by roll-call on draft resolution E/CN.4/1999/L.17.

101. Italy, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Bangladesh, Bhutan, Botswana, Cape Verde, China, Congo, Cuba, Democratic Republic of the Congo, Ecuador, Guatemala, India, Indonesia, Liberia, Madagascar, Mauritius, Morocco, Mozambique, Nepal, Niger, Pakistan, Philippines, Qatar, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uruguay, Venezuela.

Against: Austria, Canada, Czech Republic, France, Germany, Ireland, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Chile, Colombia, El Salvador, Mexico, Peru, Republic of Korea, Russian Federation.

102. Draft resolution E/CN.4/1999/L.17, as amended, was adopted by 30 votes to 15, with 8 abstentions.

The meeting rose at 9.05 p.m.